

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSHUA MUZUMALA,

Plaintiff,

-against-

CITY OF NEW YORK, et al.,

Defendants.

22-CV-8423 (LTS)

ORDER TO AMEND

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, who is appearing *pro se*, brings this action under 42 U.S.C. § 1983, alleging that Defendants violated his federally protected rights. By order dated October 12, 2022, the Court granted Plaintiff's request to proceed *in forma pauperis* ("IFP"), that is, without prepayment of fees.

Plaintiff has filed: (1) a motion "for the Court to enjoin service to the Defendants by the United States marshal or deputy marshal or by a person specially appointed by the court"; (2) a declaration; and (3) and a motion to amend his complaint. (ECF 5-7.) The Court grants Plaintiff's motion to amend his complaint but denies his motion for issuance of summonses, without prejudice to renewal after Plaintiff files his amended complaint.

CONCLUSION

Plaintiff is granted leave to file an amended complaint. Plaintiff must submit the amended complaint to this Court's Pro Se Intake Unit within sixty days of the date of this order, caption the document as an "Amended Complaint," and label the document with docket number 22-CV-8423 (LTS). No summons will issue at this time. If Plaintiff does not file an amended complaint within sixty days of the date of this order, the Court will treat the original complaint as the operative pleading.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444–45 (1962).

SO ORDERED.

Dated: January 10, 2023
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge